

1 Introduced by Council Member White and Substituted by the
2 Neighborhoods, Community Services and Public Health & Safety
3 Committee:

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6 **ORDINANCE 2020-624-E**

7 AN ORDINANCE AMENDING SECTION 380.403 (PROGRAM
8 ESTABLISHED; RULEMAKING AUTHORITY), CHAPTER
9 380 (SOLID WASTE MANAGEMENT), *ORDINANCE CODE*,
10 TO MODIFY THE APPLICABLE DISTANCES FOR THE USE
11 OF MITIGATION FUNDS FOR CLASS I SOLID WASTE
12 MANAGEMENT FACILITY TO 15 MILES AND TO MODIFY
13 THE APPLICABLE DISTANCES FOR MITIGATION FUNDS
14 FOR NON-CLASS I SOLID WASTE MANAGEMENT
15 FACILITIES TO SEVEN MILES; PROVIDING AN
16 EFFECTIVE DATE.

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18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Amending Section 380.403 (Program Established;**
20 **Rulemaking Authority), Chapter 380 (Solid Waste Management),**
21 **Ordinance Code.** Section 380.403 (Program Established; Rulemaking
22 Authority), Chapter 380 (Solid Waste Management), *Ordinance Code*,
23 is hereby amended to read as follows:

24 **CHAPTER 380. SOLID WASTE MANAGEMENT**

25 * * *

26 **PART 4. RESOURCE RECOVERY PROGRAM**

27 * * *

28 **Sec. 380.403. - Program Established; Rulemaking Authority.**

29 The definitions contained within and referenced by Part 6,
30 Chapter 380, *Ordinance Code*, shall apply to this Part. There is

1 established a host fee program, hereinafter referred to as the
2 program. The program shall be administered by the Public Works
3 Department or reassigned department, and the Director of the
4 Public Works Department, or reassigned department, is authorized
5 to adopt, alter, amend and repeal rules for the implementation and
6 administration of the program. The program is divided into three
7 subprograms, as follows:

- 8 (a) The contamination assessment and remediation program shall be
9 responsible for the implementation of contamination assessment
10 and remediation programs at closed landfill and disposal sites.
- 11 (b) The landfill closure program shall be responsible for the
12 closing of open but filled sanitary landfills.
- 13 (c) The solid waste management facility mitigation programs shall
14 be responsible for benefiting property affected by the solid
15 waste management facilities by mitigating the effects of such
16 facilities. The mitigation programs shall be divided into two
17 categories as follows: the Class I Solid Waste Management
18 Facility Mitigation Program (applicable to Class I solid
19 waste management facilities owned by the City); and the Non-
20 Class I Solid Waste Management Facility Mitigation Program
21 (applicable to permitted non-Class I solid waste management
22 facilities).

23 ~~(i)~~The Council hereby finds that proximity to a solid waste
24 management facility is an important factor in determining
25 justifiable usage of mitigation funds, thus it is the
26 intent and desire of the Council that the following
27 allocation formula be utilized ~~on an annual basis~~ as a
28 guideline for utilization and distribution of the
29 mitigation funds available for expenditure during any
30 fiscal year, with all distance measurements to be made
31 from the center of the solid waste management facility:

1 (i) For the Class I Solid Waste Management Facility Mitigation
2 Program, mitigation funds shall be used within a fifteen
3 (15) mile radius of the solid waste management facility.
4 Such distance requirements shall not apply to the funds
5 allocated to Teye' Brown Regional Park pursuant to Section
6 380.405(b) (1) .

7 (ii) For Non-Class I Solid Waste Management Facility Mitigation
8 Program, mitigation funds shall be used within a seven (7)
9 mile radius of the solid waste management facility.
10 ~~Forty percent within a four mile radius of the solid waste~~
11 ~~management facility; an additional 30 percent within a~~
12 ~~five mile radius of the solid waste management facility;~~
13 ~~and an additional 30 percent within a seven mile radius of~~
14 ~~the solid waste management facility. Such distance~~
15 ~~requirements shall not apply to the funds allocated to~~
16 ~~Teye' Brown Regional Park pursuant to Section~~
17 ~~380.405(b) (1) .~~

18 (iii) The Council further finds that Non-Class I Solid Waste
19 Management Facility mitigation funds should be used only
20 to enhance real property owned by the City of Jacksonville
21 or to purchase additional real property for the City of
22 Jacksonville.

23 **Section 2. Effective Date.** This ordinance shall become
24 effective upon signature by the Mayor or upon becoming effective
25 without the Mayor's signature.

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27 Form Approved:

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29 /s/ Paige H. Johnston

30 Office of General Counsel

31 Legislation Prepared By: Paige H. Johnston

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